

A. Berry
AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

FILED

for the
Western District of Texas

SEP 2 2010

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____ DEPUTY CLERK

United States of America)

v.)

Michael Angelo CAVAZOS)

Case No.)

MO:10-M-300)

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 09/01/2010 in the county of Crane in the Western District ofTexas, the defendant violated 18 U. S. C. § 2422(b) & 1470

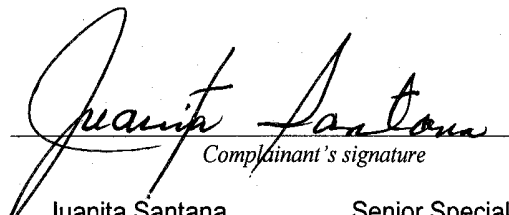
, an offense described as follows:

Coercion and Enticement and Transferring Obscene Material to Minors.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.


Complainant's signature
Juanita Santana Senior Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date:

9/2/10


Judge's signature

City and state:

Midland, Texas

David Counts United States Magistrate Judge
Printed name and title

AFFIDAVIT

I, Juanita Santana, being duly sworn do hereby state and depose as follows:

1. I am a Special Agent of the United States Immigration and Customs Enforcement (ICE) of the Department of Homeland Security. I have worked for ICE and/or its legacy components for over twenty (20) years. I am currently assigned to the Office of Homeland Security Investigations in Midland, Texas where I am responsible for conducting investigations of criminal violations of Immigration and Customs laws and related statutes.
2. As part of my duties as an ICE Special Agent I investigate violators of the United States Code. The information contained in this affidavit is known personally to me through investigative efforts or has been provided to me by other law enforcement officials.
3. On July 21, 2010, ICE Resident Agent in Charge (RAC) Midland, Texas received an investigative lead from the Crane Sheriff's Office, which is within the RAC Midland Area of Responsibility (AOR). The investigative lead was regarding Michael Angelo CAVAZOS, who reportedly coerced and enticed a 15 year-old female victim via cellular telephone and the Internet.
4. On September 1, 2010, RAC Midland Agents, assisted by Texas Department of Public Safety (DPS), US Marshals, RAC Alpine Agents, and Crane Sheriff's Department personnel, executed a search warrant at CAVAZOS' residence of 700 S. Vivian, Crane, Texas. CAVAZOS was encountered soon after law enforcement officers entered the residence, and CAVAZOS was advised that a search warrant had been issued for his residential property.
5. At one point during the initial entry, officers placed handcuffs on CAVAZOS until a shotgun that was stored in CAVAZOS' bedroom was located and secured. After the weapon was found, the handcuffs were removed and CAVAZOS was allowed to sit at the dining room table. ICE Special Agents (SAs) LeAndrew Mitchell and Eric Tarango asked CAVAZOS to speak with them in the back bedroom while other Agents searched the residence. CAVAZOS was not detained nor in handcuffs when he was asked to join the Agents in the bedroom.
6. Prior to conducting the interview, CAVAZOS was advised that he was not under arrest and was therefore not required to speak to SAs Mitchell and Tarango. SA Mitchell informed CAVAZOS that the Agents were interested in conducting a non-custodial interview with him, to obtain his version of the allegations against him. SA Mitchell asked CAVAZOS if he was willing to voluntarily speak to them, and CAVAZOS agreed.

7. Agents advised CAVAZOS that he was free to leave the room, get food or a drink, or use the restroom as he was in his own home. Agents further advised CAVAZOS that the door to the bedroom was closed because CAVAZOS' children and wife were outside and did not need to hear the content of their discussion; however, Agents offered to open the door at one point during the interview because the temperature in the room increased. Agent's Note: During the interview, CAVAZOS freely went to the restroom on one occasion. SA Mitchell walked with CAVAZOS to the restroom and requested that he leave the door to the restroom cracked for officer-safety reasons, as the restroom had yet to be searched for weapons, methods of escape, or contraband. CAVAZOS was in the restroom alone and thereafter entered the kitchen where he washed his hands and face. CAVAZOS then walked back into the bedroom to continue the non-custodial interview with the ICE Agents.
8. During the interview, CAVAZOS informed Agents that he began communicating with the female juvenile victim, hereafter referred to as K.K.B., approximately one year ago. CAVAZOS explained that he met K.K.B. at a social gathering, where he initially met K.K.B.'s father. CAVAZOS reported that soon after that date, he and K.K.B. became "friends" on the online social network Facebook.com. CAVAZOS informed Agents that he knew K.K.B. was fourteen (14) years old when they met.
9. CAVAZOS stated that his communication with K.K.B., which primarily consisted of text messages and Facebook Instant Messages (IMs), was initially platonic and "friendly." CAVAZOS informed Agents that the "texting" soon turned to "sexting." "Sexting" refers to sending and/or receiving text messages that contain sexually explicit content (either language or media). CAVAZOS stated that through some of the text message conversations he held with K.K.B., they would discuss what K.K.B. would do if CAVAZOS were to kiss her. CAVAZOS added that in one message, he asked K.K.B. if she would go "all the way" (i.e., have sex with him) if things got "hot."
10. CAVAZOS informed Agents that he sent K.K.B. text messages asking her to send him photographs of herself, and that K.K.B. would normally send, via text messaging, pictures of her face and herself clothed. CAVAZOS further stated in April or May 2010, he requested and received sexually explicit pictures of K.K.B. on two separate occasions. CAVAZOS described the first image as K.K.B. posing in front of a mirror fully naked, with a towel covering her pubic area and one breast, with one breast visible. CAVAZOS described the second image as K.K.B. in a bra and panties posing after a shower.
11. CAVAZOS also stated that around May or June 2010, he sent K.K.B. a sexually explicit picture of himself. CAVAZOS stated the picture was an image of his exposed penis, and was sent to K.K.B. from his cellular phone to her phone via text messaging. CAVAZOS advised Agents that K.K.B. was the

intended recipient, and he was aware of her age at the time the message was sent.

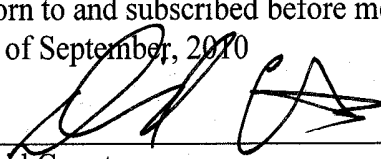
12. CAVAZOS reported that in 2009, he and K.K.B. kissed outside of her home in Crane, Texas one evening when her parents were not home. CAVAZOS described the kiss as a sensual one in which K.K.B. "surprised" him with her kissing ability. CAVAZOS informed Agents that he was as attracted towards K.K.B. as the victim was towards him. CAVAZOS denied ever groping, fondling, or caressing K.K.B. CAVAZOS described their normal physical interactions as K.K.B. being "affectionate", which included K.K.B. hugging, grabbing and poking him.
13. CAVAZOS stated that he has previously communicated with four other female juveniles using text messaging and/or the Internet. CAVAZOS advised Agents that all of these juveniles live in Crane, Texas and range in age from 14 to 17 years old. CAVAZOS denied enticing or having sexual contact with these female juveniles.
14. CAVAZOS informed Agents that he was arrested when he was eighteen (18) years old after a 14 year old female claimed he raped her. CAVAZOS admitted that he did have sexual intercourse with the juvenile; however, the sex was not forced or coerced. CAVAZOS reported that the charges were dismissed after the female's claims were unsubstantiated.
15. CAVAZOS denied ever purchasing, viewing, or downloading any material depicting Child Pornography over the Internet. CAVAZOS signed consent forms to allow ICE Agents to search his vehicles, email account, and online social network profiles.

Based on the foregoing your affiant submits that probable cause exists to believe that Michael Angelo CAVAZOS is in violation of Title 18 United States Code, Section 2422(b) Coercion and Enticement and Section 1470, Transferring Obscene Materials to Minors.

FURTHER AFFIANT SAYETH NAUGHT


Juanita Santana, Senior Special Agent
Immigration and Customs Enforcement

Sworn to and subscribed before me this 2nd
day of September, 2010



David Counts
United States Magistrate Judge